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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,012	12/30/2003	Gregor K. Frey	6570P032	6461
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EXAMINER				
HO, ANDY				
ART UNIT		PAPER NUMBER		
2194				
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03/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/748,012

**Applicant(s)**

FREY ET AL.

**Examiner**

ANDY HO

**Art Unit**

2194

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 2/4/08; 3/12/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the amendment filed 2/4/2008.
2. Claims 1-9 and 11-33 have been examined and are pending in the application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18 and 25-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- (i) the source – line 1 claim 18. Correction is required.

B. The claim language in the following claims is not clearly understood:

- (i) claim 25 recites a computer program comprising a machine readable medium, which is incorrect. Correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 11-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to define the metes and bounds of an invention comprised of software alone without claiming associated computer hardware required for execution. Software alone, without a machine, is incapable of transforming any physical subject matter by chemical, electrical, or mechanical acts.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9 and 11-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Camp U.S Patent No. 6,802,067.

**As to claim 1**, Camp teaches a method of providing filtered unified logging, the method comprising:

receiving a message, the message having a predefined severity (line66 column 3 to line 10 column 4), the message including a trace message and a log

message, the trace message associated with a location, the location representing a delimited code area including one or more of a code package and a code class, the log message associated with a category, the category representing a code problem area including one or more of a database problem and a security audit problem (line 37 column 1 to line 19 column 2);

dropping the message if the message severity does not reach a threshold severity (line 66 column 3 to line 10 column 4);

applying one or more filters to the message if the message severity reaches the threshold severity; and sending the message to a destination if the message is not filtered out (lines 11-43 column 4).

**As to claim 2**, Camp further teaches the message severity and the threshold severity have a severity selected from a group comprising debug, path, info, warning, error, fatal, and none (lines 57-65 column 3).

**As to claim 3**, Camp further teaches comparing the message severity with the threshold severity (line 66 column 3 to line 10 column 4).

**As to claim 4**, Camp further teaches the severity information is inherited (lines 32-65 column 3).

**As to claim 5**, Camp further teaches the inherited severity is restricted (lines 32-65 column 3).

**As to claim 6**, Camp further teaches as long as the message passes a severity and filter evaluation of a child object, the message is published (line 66 column 3 to line 10 column 4).

**As to claim 7**, Camp further teaches the publication is via an inherited log (line 66 column 3 to line 10 column 4).

**As to claim 8**, Camp further teaches the method is implemented utilizing Java (lines 26-36 column 5).

**As to claim 9**, Camp further teaches the message is sent by an application (lines 44-63 column 4).

**As to claim 11**, Camp teaches a filtered unified logging system, comprising:

one or more log controllers to represent source data, each of the log controllers receiving messages, the messages include a trace message and a log message, the trace message associated with a location, the location representing a delimited code area including one or more of a code package and a code class, the log message associated with a category, the category representing a code problem area including one or more of a database problem and a security audit problem (line 37 column 1 to line 19 column 2);

one or more filters coupled to the log controllers to filter the received messages (lines 11-43 column 4);

one or more logs to represent one or more corresponding destinations for the received messages (lines 44-63 column 4); and

**As to claim 12**, Camp further teaches the system is part of Java 2 Enterprise Edition engine (lines 26-36 column 5).

**As to claim 13**, Camp further teaches a formatter coupled to each of the logs to determine a format of the received message prior to publication (lines 11-43 column 4).

**As to claim 14**, Camp further teaches the formatter includes subclasses or modules comprising a trace formatter (lines 11-43 column 4).

**As to claim 15**, Camp further teaches the log controllers includes one or more subclasses or modules selected from a group comprising a category and a location (lines 17-31 column 3).

**As to claim 16**, Camp further teaches each of the logs include one or more subclasses or modules selected from a group comprising a stream log, a file log, and a console log (lines 11-43 column 4).

**As to claim 17**, Camp further teaches one or more of the file log and console log are subclasses of the stream log (lines 11-43 column 4).

**As to claim 18**, Camp further teaches wherein the source is an application (lines 44-63 column 4).

**As to claim 19**, Camp further teaches the message includes severity information corresponding to that message (lines 32-65 column 3).

**As to claim 20**, Camp further teaches the severity information includes at least one severity selected from a list comprising debug, path, info, warning, error, fatal, and none (lines 56-65 column 3).

**As to claim 21**, Camp further teaches the severity information is inherited (lines 32-65 column 3).

**As to claim 22**, Camp further teaches the inherited severity is restricted (lines 32-65 column 3).

**As to claim 23**, Camp further teaches the system provides filtered unified logging for both tracing and logging (lines 11-43 column 4).

**As to claim 24**, Camp further teaches the system is implemented using Java (lines 26-36 column 5).

**As to claims 25-33**, they are computer program product claims of claims 1-9, respectively. Therefore, they are rejected for the same reasons as claims 1-9 above.

### ***Response to Arguments***

6. Applicant's arguments filed 2/4/2008 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

Art Unit: 2194

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

/Andy Ho/

Examiner, Art Unit 2194